

WALTER A. LINSTRUTH

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

January 16, 2000

The Honorable Commissioner Susan Ness
Federal Communications Commission
Washington, DC
By FAX - 202-418-2821

Dear Commissioner Ness:

I am writing to you in support of the new Low Power FM (LPFM) radio service as outlined in the FCC's Notice of Proposed Rulemaking in docket MM 99-25, which called for creation of a new class of 1000 watt and 100 watt commercial and non-commercial stations.

I feel that it is extremely important for the LPFM radio service to be enacted as originally proposed by the Commission. This is because, in my opinion, the recent deregulation of the industry has resulted in entirely too much consolidation in the broadcast business. For example, I noted recently that here in Santa Barbara, approximately two thirds of our "local" radio stations were owned by a single nation-wide company; Jacor. Since then Jacor has been acquired by Clear Channel Communications, making the problem even worse.

It has just come to my attention that the FCC intends to vote at its January 20th meeting to severely limit this LPFM proposal, to provide for only non-commercial, "educational" stations with maximum power limited to 100 watts, extreme limitations on antenna height and exclusions on second adjacent channel assignments.

An effective LPFM service could help significantly by opening the airwaves to smaller and more diverse voices. To place such severe limits on LPFM would doom the service before it begins, making it impossible to obtain enough financial support to exist. Also, to disallow commercial support for these stations would do a great disservice to the small businesses in America who simply cannot afford to advertise on full-power radio stations. Their needs could be well met by LPFM stations as originally proposed. A decision to not allow commercial support could have a significant negative impact on such small business.

Knowing that the FCC is bound by law to support competition, the NAB has tried to cause confusion by claiming that the new LPFM stations would cause interference to existing stations. The NAB raised this smokescreen issue to attempt to conceal its real dislike for LPFM, the fact that it does not want competition for listeners or advertising revenues for its member stations. However, a receiver study conducted by the FCC has proved this to be incorrect. Even more importantly, I understand that there are currently hundreds of full-power FM stations that have been operating on 2nd and 3rd adjacent channels for years (grandfathered short-spaced FM stations) without any meaningful interference.

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I further understand that there has been an overwhelming number (thousands) of comments filed in this proceeding supporting the creation of 1000 watt and 100 watt stations, allowing for both commercial and non-commercial operation as set forth in the FCC's original NPRM. The public has spoken on this matter and to ignore this public mandate and cave in to political pressure from the National Association of Broadcasters (NAB) would be a disgrace.

It seems uncharacteristic of the FCC to suddenly be attempting to prevent competition when we have had such success in DEREGULATING the telecommunications industries. Shouldn't the FCC's mandate be to promote competition?!

I hope that you stand by your original proposal and fight for enactment of the original NPRM, to clear the way for a workable LPFM service of 1000 watt and 100 watt commercial and non-commercial stations, utilizing to the maximum the second adjacent channels and reasonable antenna heights.

Sincerely,

A handwritten signature in dark ink, appearing to read "W. A. Linstruth", written in a cursive style.

Walter A. Linstruth